

I hereby certify that this correspondence is being transmitted
facsimile to: Commissioner for Patents P. O. Box 1450,
Alexandria, VA 22313-1450 on September 7, 2004.

John Moore

Name

Signature

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SEP 07 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

APPLICANTS: David John Smith, et al.

TITLE: DISHWASHING PRODUCT

SERIAL NO.: 10/706,378

FILING DATE: November 12, 2003

EXAMINER: Not Yet Assigned

GROUP ART UNIT: 1764

ATTORNEY DOCKET NO.: CM-2477M2D

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**DECLARATION OF JEFFREY V. BAMBER
IN SUPPORT OF PETITION TO MAKE SPECIAL
BECAUSE OF ACTUAL INFRINGEMENT**


I, Jeffrey V. Bamber, am the attorney of record in this case and make the following statements:

1. There is an infringing product actually on the market.

2. I have made a rigid comparison of the alleged infringing product with some of the claims of the above-referenced application. In my opinion some of the claims are unquestionably infringed.

3. I have caused a careful and thorough search of the prior art to be made. The references believed to be most closely related to the subject matter encompassed by the claims are already of record.

Respectfully submitted,


Jeffrey V. Bamber
Registration No. 31,148

September 7, 2004

Customer No. 27752